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BRISTOL-MYERS SQUIBB COMPANY

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 BEVERLY J. EZRA, an individual,  
13 Plaintiff,

14 vs.

15 WEITZ & LUXENBERG, P.C., a New  
York professional corporation, BRISTOL-  
16 MYERS SQUIBB AND COMPANY, a  
Delaware corporation; MEDICAL  
17 ENGINEERING CORPORATION, a  
Delaware corporation; and DOES and  
18 ROES I through XX, inclusive,  
19 Defendants.

CASE NO.: 2:16-cv-00486-RFB-PAL

**DEFENDANTS BRISTOL-MYERS  
SQUIBB COMPANY'S AND WEITZ &  
LUXENBERG'S AMENDED JOINT  
MOTION TO EXTEND DEADLINE TO  
FILE DISCOVERY PLAN<sup>1</sup>**

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21 Defendants Bristol-Myers Squibb Company ("BMS"), improperly named as Bristol-  
22 Myers Squibb and Company, and Weitz & Luxenberg, P.C. respectfully move the Court for a 20  
23 day extension to the deadline to file a discovery plan and scheduling order.

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27 <sup>1</sup> Since filing the original motion to extend, counsel for Defendants received notice from Plaintiff's counsel that he is  
28 currently in a "very primitive country" presenting at a "sophisticated tumor immunology meeting" but should be able  
to meet and confer by June 16, 2016. Accordingly, this amended motion seeks a 20-day extension as the earliest  
they can hold a 26(f) conference by June 16, 2016. Although a "Noticed of Corrected Image" will be filed per ECF  
No. 31, this amended motion reflects the most recent information from the parties.

1 This motion is based upon the pleadings and papers on file in this case, the Memorandum  
2 of Points and Authorities below, and any oral argument the Court may entertain.

3 DATED June 9, 2016.

4 SNELL & WILMER L.L.P.

THE DRAKULICH FIRM, APLC

5  
6 By: /s/ Chad R. Fears  
7 Kelly A. Evans  
8 Nevada Bar No. 7691  
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16 Attorneys for Defendant  
17 BRISTOL-MYERS  
18 SQUIBB COMPANY

By: /s/ Robert J. Drakulich  
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Attorneys for Defendant  
WEITZ & LUXENBERG, P.C.  
A New York Professional Corporation

**MEMORANDUM OF POINTS AND AUTHORITIES**

Defendants respectfully request a short extension to the deadline to file a discovery plan and scheduling order with the Court. While all parties have been participating in this litigation, as evidenced by the active motion practice, they were unable to meet and confer as required by Rule 26(f) and nor finalized a proposed discovery plan. As background, Plaintiff filed her complaint on March 3, 2016. Defendant BMS then filed a motion to dismiss on April 19, 2016. Plaintiff filed a motion for default judgment against Weitz & Luxenberg on April 24, 2016. Weitz & Luxenberg filed a motion to dismiss and in the alternative a motion to transfer as well as a motion to set aside the default on May 9, 2016. All matters have been fully briefed.

Due to the Memorial Day weekend and Plaintiff's counsel being out of the country with limited email access, the parties were not been able to conduct a Rule 26(f) conference, as of this date. The parties have exchanged drafts of a proposed discovery plan and scheduling order but due to the logistical obstacles, they were unable to finalize it.

Defendants therefore request that the Court extend the deadline to file a discovery plan and scheduling order by twenty (20) days to June 23, 2016. They are scheduling the Rule 26(f) conference for June 16, 2016 and anticipate being able to file the joint discovery plan and scheduling order shortly thereafter. Defendants anticipate no objection to this motion from

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1 Plaintiff, but due to her counsel being out of the country, were not able procure his signature on  
2 this joint motion.

3 DATED June 9, 2016.

4 SNELL & WILMER L.L.P.

THE DRAKULICH FIRM, APLC

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16 SQUIBB COMPANY

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Reno, NV 89501

Attorneys for Defendant  
WEITZ & LUXENBERG, P.C.  
A New York Professional Corporation

17 IT IS SO ORDERED.

18 DATED: June 13, 2016

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UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the **DEFENDANTS BRISTOL-MYERS SQUIBB COMPANY'S AND WEITZ & LUXENBERG'S JOINT MOTION TO EXTEND DEADLINE TO FILE DISCOVERY PLAN** by the method indicated below:

<u>XXXXX</u>	Electronic Service (CM/ECF)	_____	Federal Express
_____	U.S. Mail	_____	U.S. Certified Mail
_____	Facsimile Transmission	_____	Hand Delivery
_____	Email Transmission	_____	Overnight Mail

and addressed to the following:

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DATED June 9, 2016.

/s/ Julia L. Melnar  
An Employee of Snell & Wilmer L.L.P.

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